

1 Proposed Changes to Title 14 CCR California Forest Practice Rules

2 Lake Tahoe Region Exemption, 2006

3 (15 Day Notice Published June 23, 2006)

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5 Key for Changes to Modified Text:

6 Underscore = Text additions as noticed on January 20, 2006

7 ~~Strikethrough~~ = Text deleted as noticed on January 20, 2006

8 Double underscore = Text additions in version dated June 12, 2006

9 ~~Double-strikethrough~~ = Text deleted in version dated June 12, 2006

10  
11 Amend 14 CCR 895, 895.1, 1038, and 1038 (f)

12  
13 895. Abbreviations Applicable Throughout Chapter.

14 \*\*\*\*\*

15 TRPA Tahoe Regional Planning Agency

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17 Note: Authority cited: Sections 4551, 4551.5 and 21082, Public  
18 Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522,  
19 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5,  
20 4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code.

21  
22 895.1. Definitions.

23 \*\*\*\*\*

24 Lake Tahoe Region means those portions of Placer and El Dorado

25 Counties lying within the authority of the Tahoe Regional Planning  
Agency.

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1 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,  
2 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.  
3 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,  
4 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and  
5 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed  
6 following Section 15387 of Title 14 Cal. Code of Regulations), and  
7 Laupheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

8 **1038. Exemption.**

9 Persons who conduct the following types of timber operations, listed  
10 as (a)through (i) below, are exempt from the plan preparation and  
11 submission requirements (PRC § 4581) and from the completion report  
12 and stocking report requirements (PRC §§ 4585 and 4587) of the Act  
13 ~~except~~ with the following exceptions and requirements:

14 (i) no tree that existed before 1800 A.D and is greater than  
15 sixty (60) inches in diameter at stump height for Sierra or Coastal  
16 Redwoods, and forty-eight (48) inches in diameter at stump height for  
17 all other tree species shall be harvested unless done so under the  
18 conditions or criteria set forth in subsection 1038 (h) ~~÷=~~

19 (ii) ~~All~~ timber operations conducted in the Lake Tahoe Region  
20 ~~under Notice of Exemption~~ authorized under PRC § 4584 (b), (c), and  
21 (j) shall be conducted in accordance to 14 CCR § 1038 (f) and must  
22 have a valid Tahoe Basin Tree Removal Permit (as defined by ~~the Tahoe~~  
23 ~~Regional Planning Agency,~~ TRPA) or conducted under a valid TRPA  
24 Memorandum of Understanding (MOU) when such permit or MOU is required  
25 by TRPA.

1 (a) Harvesting Christmas trees.

2 (b) Harvesting dead,\*\*\*\*\*

3 ~~(f) (OPTION 1.1)On parcels of 20 acres or less in size within the~~  
4 ~~Lake Tahoe Basin, that are not part of a larger parcel of land in the~~  
5 ~~same ownership, the removal of live trees in a watercourse and lake~~  
6 ~~protection zone (WLPZ), as defined in 14 CCR 956.4(b), used for~~  
7 ~~fuelwood or other minor forest products, and dead or dying~~  
8 ~~trees,(regardless of the definition of "dying trees" in section 895.1,~~  
9 ~~dying means: will be dead within 1 year, based on the judgement of an~~  
10 ~~RPF)trees as marked by an RPF and for which a Tahoe Basin Tree Removal~~  
11 ~~Permit has been issued, when the following conditions are met:~~

12 (f) ~~(OPTION 2.1)On parcels of 20 acres or less in size within~~  
13 ~~the Lake Tahoe Basin, that are not part of a larger parcel of land in~~  
14 ~~the same ownership, the removal of dead or dying,(regardless of the~~  
15 ~~definition of "dying trees" in section 895.1, dying means: will be~~  
16 ~~dead within 1 year, based on the judgement of an RPF)trees as marked~~  
17 ~~by an RPF and for which a Tahoe Basin Tree Removal Permit has been~~  
18 ~~issued, when the following conditions are met:~~~~All Timber operations~~  
19 ~~conducted in the Lake Tahoe Region that are exempt activities~~  
20 ~~authorized under PRC § 4584 sections (b),(c), (f), and (j), and (k)~~  
21 ~~shall comply with when the following conditions are met: and must have~~  
22 ~~a valid Tahoe Basin Tree Removal Permit (as defined by the Tahoe~~  
23 ~~Regional Planning Agency, TRPA) or conducted under a valid TRPA~~  
24 ~~Memorandum of Understanding.~~

1           (1) Tree removal on high erosion hazard lands (Bailey's  
2 Land Capability Districts 1a, 1c, or 2 per Land Capability  
3 Classification of the Lake Tahoe Basin, California-Nevada: A Guide  
4 for Planning by R.G. Bailey, USDA Forest Service, 1974) shall only be  
5 conducted using the following methods: helicopter, over-snow where no  
6 soil disturbance occurs, hand carry, and use of existing roads.

7           (2) Tree removal in Stream Environment Zones ("SEZs",  
8 Bailey's Land Capability District 1b) and within the standard width of  
9 a WLPZ, shall be permitted as in the preceding section (f)(1).

10           (A) End-lining may also be used provided that soils  
11 are dry, all heavy equipment remains outside the SEZ or WLPZ, and site  
12 conditions are such that soils or vegetation will not be adversely  
13 affected and a discharge of earthen materials to surface waters, SEZs,  
14 or 100-year floodplains will not occur.

15           (B) Other low-impact tree removal methods may be used  
16 in SEZs and WLPZs if approved by the Lahontan ~~Regional Water Quality~~  
17 ~~Control Board (RWQCB) and when a Tahoe Basin Tree Removal Permit is~~  
18 ~~issued~~ prior to submittal of the exemption notice to the Department.  
19 Certification of approval by the RWQCB and TRPA shall be provided with  
20 the exemption notice to the Department. Low-impact tree removal  
21 methods means the use of techniques for vegetation management,  
22 ~~(including tree cutting or removal), and harvesting that are designed~~  
23 ~~so as~~ to minimize impacts to the soils and vegetation. Such  
24 techniques ~~should shall be able to operate in a manner that~~ minimizes  
25 disruption of the soil surface (soil detachment), soil compaction, and

1 damage to vegetation. Depending on the specific site conditions  
2 (e.g. soil type, soil conditions, slopes) and the method of operation,  
3 the use of low-ground pressure logging equipment, including but not  
4 limited to, certain harvesters and forwarders, may qualify.

5 (C) Heavy equipment operations may be used for  
6 maintenance of existing roads, maintenance of drainage facilities or  
7 structures, or skid crossings approved pursuant to (f)(9) below.

8 (3) No tractor or heavy equipment (ground-based)  
9 operations on slopes greater than 30% except during over-snow  
10 operations that result in no soil disturbance.

11 (4) No heavy equipment operations during the winter  
12 ~~period, or within a SEZ or the standard width of a watercourse or lake~~  
13 ~~protection zone (WLPZ), as defined in 14 CCR 956.4(b),~~ except for  
14 over-snow operations that result in no soil disturbance, ~~use or~~  
15 ~~maintenance of existing roads, maintenance of drainage facilities or~~  
16 ~~structures,~~ or use of low-impact tree removal methods approved  
17 pursuant to (f)(2) above, ~~or use of skid crossings approved pursuant~~  
18 ~~to (f)(9) below.~~

19 (5) No new road construction or reconstruction, as defined  
20 in 14 CCR § 895.1.

21 (6) No tractor or heavy equipment operations on known  
22 slides or unstable areas.

23 (7) ~~(OPTION 1.2) No timber harvesting within the standard~~  
24 ~~width of a watercourse or lake protection zone, as defined in 14 CCR~~  
25 ~~956.4(b), except sanitation salvage harvesting, as defined in 14 CCR~~

1 953.3, where immediately after completion of operations, the area  
2 shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except  
3 the removal of dead or dying trees where consistent with 14 CCR 956.4  
4 (b). All cutting or removal of ~~live~~ trees or other ~~live~~ vegetation  
5 from within the standard width of a WLPZ shall meet the WLPZ standards  
6 of the Forest Practice Act and District Forest Practice Rules  
7 applicable to ~~Timber Harvesting Plans~~THPs, and be certified in  
8 writing by staff of the RWQCB as complying with the soil protection  
9 and vegetation retention requirements of the RWQCB's Basin Plan prior  
10 to submittal of the exemption notice to the Department. Trees to be  
11 harvested shall be marked by, or under the supervision of, an RPF  
12 prior to timber operations. Any cutting or removal of live trees or  
13 other live vegetation from within SEZs or WLPZs shall require a Tahoe  
14 Basin Tree Removal Permit and be certified in writing by staff of the  
15 RWQCB as complying with the soil protection and vegetation retention  
16 requirements of the RWQCB's Basin Plan prior to submittal of the  
17 exemption notice to the Department.

18 ~~(7) (OPTION 2.2) No timber harvesting within the standard~~  
19 ~~width of a watercourse or lake protection zone, as defined in 14 CCR~~  
20 ~~956.4(b), except sanitation salvage harvesting, as defined in 14 CCR~~  
21 ~~953.3, where immediately after completion of operations, the area~~  
22 ~~shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except~~  
23 ~~the removal of dead or dying trees where consistent with 14 CCR 956.4~~  
24 ~~(b). All cutting or removal of live trees, dead trees or other live~~  
25 ~~and dead vegetation from within the standard width of a WLPZ shall~~  
~~meet the WLPZ standards of the Forest Practice Act and District Forest~~

~~Practice Rules applicable to Timber Harvesting Plans. Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations. Any cutting or removal of live trees or other live vegetation from within SEZs or WLPZs shall require a Tahoe Basin Tree Removal Permit and be certified in writing by staff of the RWQCB as complying with the soil protection and vegetation retention requirements of the RWQCB's Basin Plan prior to submittal of the exemption notice to the Department.~~

(8) All Class III watercourses shall have at least a 25-foot WLPZ.

(9) No watercourse crossings of Class I or Class II watercourses except on existing bridges or existing culvert crossings. Any and all crossings proposed for Class III or Class IV watercourses shall be approved by staff of the ~~Regional Water Quality Control Board~~ (RWQCB) and TRPA prior to operations.

(10) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(11) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR § 895.1.

(12) No timber operations on any site that satisfies the criteria listed in 14 CCR § 895.1 for a significant historical or archaeological sites. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

1           (13) The landowner shall allow access to the property for  
2 inspections by staff of the RWQCB and TRPA.

3           ~~(14) A person shall comply with all operational provisions~~  
4 ~~of the Forest Practice Act and District Forest Rules applicable to~~  
5 ~~"Timber Harvest Plan", "THP", and "plan".~~

6           ~~(OPTION 2.3 includes subsections (15) through (17))~~

7           (154) Operations conducted in the Lake Tahoe Region ~~in compliance~~  
8 ~~with~~ under the authority of PRC § 4584(j) shall comply with  
9 requirements listed in section 14 CCR § 1038(c) (1) through (4), ~~in~~  
10 ~~addition to those in 14 CCR 1038(f) and within a 15 day period before~~  
11 ~~beginning timber operations, the timber operator shall notify CDF of~~  
12 ~~the actual start of operations.~~

13           (165) Operations conducted in the Lake Tahoe Region for the  
14 purpose of removing unmerchantable dead trees in amounts greater than  
15 10% of the volume per acre from substantially damaged timberlands  
16 shall comply with 14 CCR 1038(d) (2) through (5), ~~in addition to~~  
17 ~~those in 14 CCR 1038(f).~~

18           ~~(17) Operations conducted in the Lake Tahoe Region for the purpose~~  
19 ~~of implementing PRC 4584 (k), known as the Forest Fire Prevention Act,~~  
20 ~~shall comply with 14 CCR 1038(i) (1), (2), (4), (5), (5A), (6), (7),~~  
21 ~~(8), (8A), (9), (10), (11), (12), and (14)), in addition to those in~~  
22 ~~14 CCR 1038(f).~~

23           (g) The removal \*\*\*\*\*

24 Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources  
25 Code. Reference: Sections 4516, 4527 and 4584, Public Resources Code;



1 and EPIC v. California Department of Forestry and Fire Protection and  
2 Board of Forestry (1996) 43 Cal. App.4th 1011.

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4 Version 6/23/06  
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